

REMARKS

This is response to the non-final Office action (Paper No. 20081023) mailed 28 October 2008.

Claims 1, 5-9, 21, 22 and 25-30 are pending in this application.

Claims 1 and 22 have been amended and claims 21, 25-26 and 28-29 have been canceled without disclaiming their subject matter.

No new matter has been added.

I. Claim Rejections – 35 USC §103

A. Claims 1, 7, 8, 21, 22, 26 and 29 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Sifis *et al.* (“A more sensitive method for the quantitation of genomic DNA by Alu amplification” J Forensic Sci. 2002 May; 47(3): 589-92) in view of Palmirotta *et al.* (“Origin and Gender Determination of Dried Blood on a Statue of the Virgin Mary” Journal of Forensic Science. March 1998. (43) 2, Pages 431-434), in further view of Batzer *et al.* (“Standardized Nomenclature for Alu Repeats” Journal of Molecular Evolution. 1996. 42, pg. 3-6), and in further view of Fortina *et al.* (“Non-radioactive detection of the most common mutations in the cystic fibrosis transmembrane conductance regulator gene by multiplex allele-specific polymerase chain reaction” Hum Genet. 1992 Dec; 90(4): 375-8).

B. Claim 9 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Sifis *et al.* in view of Palmirotta *et al.*, in further Batzer *et al.*, and in further view of Fortina *et al.* As applied to claim 1 above, and in further view of Gelmini *et al.* (“Quantitative polymerase chain reaction-based homogeneous assay with fluorogenic probes to measure c-erbB-2 oncogene amplification” Clinical Chemistry. 1997. 43:5, Pages 752-758).

In view of the allowed subject matter in claims 5, 6, 25, 27, 28 and 30, claims 1 and 22 are amended to include the allowable subject matter.

Since an amendment merely cancels claims, adopts examiner suggestions, removes issues for appeal, or in some other way requires only a cursory review by the examiner, the entry of the amendments are respectfully requested.

No fee is incurred by this Amendment.

In view of the above, all claims are submitted to be allowable and this application is believed to be in condition to be passed to issue. Reconsideration of the rejections is requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,

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